

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL UNDER E.S.I. NO.3/2005

The Deputy Regional Director. Appellant.

V/s.

M/s. Atlantic Spinning & Weaving Mills Ltd. Respondent.

Mrs. A. A. Agni, Advocate for the appellant.

Mr. M. S. Bandodkar, Advocate for the respondent.

CORAM : SMT. RANJANA P. DESAI, J.

DATE : JUNE 16, 2006.

P.C.

Heard the learned Counsel for the parties. The learned Counsel for the appellant contended that the Insurance Court has merely relied on the report of the Inspector. She submitted that other important documentary evidence like Exhibits 20, 50 and 51 have not been considered at all. She submitted that there is no reflection in the impugned order that the said documents have been considered by the Insurance Court. According to her, the impugned order is, therefore, perverse. She submitted that if the Insurance Court ignores the documentary evidence on record, the impugned

order can be characterised as perverse and that becomes a substantial question of law. In support of this submission, the learned Counsel relied on the Judgment of this Court in **Deputy Regional Director vs. Mr. Virgilio Velho.**, 2000(1) Bom. C.R. 471. She pointed out that in that case, this Court was considering a case where documentary evidence on record was ignored. In the circumstances, the following substantial question of law was framed :

(1)Whether the order of the Insurance Court is perverse inasmuch as that the Insurance Court has arbitrarily ignored the documentary evidence on record, particularly the agreement between the parties ?

2. The learned Counsel urged that in this case also since the important documentary evidence has been ignored, the impugned order can be characterized as perverse. She submitted that, therefore, the present appeal be admitted on the substantial question of law formulated at paragraphs 14(a) and (c) of the appeal memo.

3. On the other hand, the learned Counsel for the respondent submitted that the Insurance Court has considered all the material. He submitted that there is no substantial question of law involved and hence the appeal be rejected.

4. Prima facie, it does appear that the Insurance Court has

merely relied on the Inspector's report. It appears that important documents have not been considered by the Insurance Court. At least, there is no indication from the impugned order that those documents have been considered by the Insurance Court. Hence, the second appeal is admitted. The substantial question of law involved in the second appeal is as follows :

Whether the order of the Insurance Court is perverse inasmuch as it has ignored the documentary evidence on record, particularly Exhibit 20, 50 and 51 ?

SMT. RANJANA P. DESAI, J.

ssm.